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BOARD OF TRUSTEES OF THE PUBLIC EMPLOYEES' RETIREMENT FUND

Resolution No. 2010-09-01

Adopting rules related to the administration of the Fund as described herein.

WHEREAS, the Indiana Public Employees' Retirement Fund exists to provide retirement benefits to its members, their survivors, and beneficiaries;

WHEREAS, the Board of Trustees of the Indiana Public Employees' Retirement Fund, by statute, administers the Fund;

WHEREAS, the Board of Trustees, pursuant to [IC 5-10.3-3-8](#), may establish and amend rules and regulations for the administration of the Fund without adopting a rule under Indiana Code 4-22-2; and

WHEREAS, the Board of Trustees of the Indiana Public Employees' Retirement Fund wishes to adopt, amend, and/or repeal certain rules contained or to be contained in the Indiana Administrative Code related to the administration of the Fund as described herein;

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the Indiana Public Employees' Retirement Fund that:

SECTION 1. [35 IAC 1.2-6-5.5](#) IS AMENDED TO READ AS FOLLOWS:

**[35 IAC 1.2-6-5.5](#) Overpayments and underpayments**

**Authority:** [IC 5-10.2-2-1.5](#)

**Affected:** [IC 5-10.2-3-2](#); [IC 5-10.2-2-11](#); [IC 5-10.3](#); [IC 6-8.1-10-1](#)

Sec. 5.5. (a) When there has been an overpayment of picked up member contributions **or after-tax member contributions**, the principal amount of the overpayment will be credited to the employer. The principal amount of the overpayment ~~will not~~ **may** be adjusted for earnings/interest **at the interest rate defined in subsection (e)**.

~~(b) When there has been an overpayment of after-tax member contributions, the principal amount of the overpayment will be credited to the employer. The principal amount of the overpayment will not be adjusted for earnings/interest.~~

~~(e) (b)~~ When there has been an underpayment of picked up member contributions **and or** after-tax member contributions, the principal amount of the underpayment will be billed to the employer. The principal amount of the underpayment **will may** be adjusted by a rate equal to the actuarial assumed rate of return as set forth in PERF's annual report. The principal amount plus interest will be credited to the member's ASA. **for earnings/interest at the interest rate defined in subsection (e)**.

~~(d) (c)~~ When there has been an overpayment of employer contributions, the principal amount of the overpayment will be credited to the employer. The principal amount of the overpayment ~~will not~~ **may** be adjusted for earnings/interest **at the interest rate defined in subsection (e)**.

~~(e) (d)~~ When there has been an underpayment of the employer contribution, the principal amount of the underpayment will be billed to the employer. The principal amount **will may** be adjusted by a rate equal to the actuarial assumed rate of return as set forth in PERF's annual report. The principal amount plus interest will be credited to the member's ASA. **for earnings/interest at the interest rate defined in subsection (e)**.

**(e) For purposes of this section, the interest rate shall be determined by the executive director and shall not exceed the rate of interest set each year within [IC 6-8.1-10-1\(c\)](#). (Board of Trustees of the Public Employees' Retirement Fund; [35 IAC 1.2-6-5.5](#); adopted Feb 19, 2010: [20100310-IR-035100124ONA](#); adopted Sep 16, 2010: [20100929-IR-035100611ONA](#))**

DATED: September 16, 2010  
Ken Cochran, Chairman of the Board of Trustees  
Indiana Public Employees' Retirement Fund

Resolution adopted by 4 affirmative, 0 negative votes.

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